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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

NEIL M. JOHNSON, Plaintiff - Appellant, v. COMFORT RESIDENTIAL PARTNERS, LLC; et al., Defendants - Appellees.	No. 11-15459 D.C. No. 3:10-cv-00731-LRH-RAM MEMORANDUM*

Appeal from the United States District Court
for the District of Nevada
Larry R. Hicks, District Judge, Presiding

Submitted January 17, 2012**

Before: LEAVY, TALLMAN, and CALLAHAN, Circuit Judges.

Neil M. Johnson appeals pro se from the district court's judgment dismissing his action challenging construction defects in his now-foreclosed home. We have jurisdiction under 28 U.S.C. § 1291. We review de novo, *Kuntz v. Lamar Corp.*,

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* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

385 F.3d 1177, 1181 n.6 (9th Cir. 2004), and we affirm.

The district court properly dismissed Johnson's action for lack of subject matter jurisdiction. First, the court lacked diversity jurisdiction because Johnson and several of the defendants are citizens of Nevada. *See id.* at 1181 (requiring complete diversity of citizenship). Second, the court lacked federal question jurisdiction because Johnson's state law claims neither included a federal right or immunity as an essential element nor raised a substantial federal issue. *See Provincial Gov't of Marinduque v. Placer Dome, Inc.*, 582 F.3d 1083, 1086-87 (9th Cir. 2009) (requirements of federal question jurisdiction). Finally, Johnson failed to establish that the federal statutes cited in his complaint served as a source of any substantive federal right to file a civil action. *See Touche Ross & Co. v. Redington*, 442 U.S. 560, 575-76 (1979) (setting forth factors to determine if federal criminal statutes provide implied right to file civil claim); *Anderson v. Warner*, 451 F.3d 1063, 1067 (9th Cir. 2006) (42 U.S.C. § 1983 does not grant a substantive right, but only a way to vindicate federal rights elsewhere conferred).

Johnson's remaining contentions are unpersuasive.

Defendants' motion for judicial notice is granted.

Johnson's pending motions are denied.

AFFIRMED.